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December 8, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Briefs, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 8, 2003
Date

Michael R. Krawzsek
Michael R. Krawzsek

MS Appeal Briefs
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: *SN 09/768,877 entitled "METHODS OF TREATMENT OF TYPE 2 DIABETES"*
by Polonsky et al.
Our ref: ARCD:307USD1 UC Tech ref: UCHI:790 UT ref: UTH:256

Commissioner:

Enclosed are the following for filing in the above-referenced patent application:

- (1) Appeal Brief (original and three copies);
- (2) Complimentary copy of Amendment concurrently filed; and
- (3) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

The Commissioner is authorized to deduct the \$165 filing fee, as well as any additional fees under 37 C.F.R. §§ 1.16 to 1.21 that may be required for any reason relating to the enclosed materials, from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:307USD1.

Very truly yours,

Michael R. Krawzsek (51,888) for

Charles P. Landrum
Reg. No. 46,855

CPL/lb
Enclosures

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December 8, 2003 Date	 Michael R. Krawczek

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Polonsky *et al.*

Serial No.: 09/768,877

Filed: January 23, 2001

For: METHODS OF TREATMENT OF TYPE 2
DIABETES

Group Art Unit: 1652

Examiner: Ramirez, D.M.

Atty. Dkt. No.: ARCD:307USD

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AMENDMENT UNDER 37 C.F.R §1.116

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Appellants respectfully submit this Amendment after final Official Action pursuant to 37 C.F.R. §1.116. Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper. Remarks are provided beginning on page 11 of this paper. This Amendment places the case in better condition for appeal by reducing the number of issues for appeal. This Amendment after final Official Action is filed concurrently with Appellants' Appeal Brief.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski Account L.L.P. No.: 50-1212/ARCD:307USD1.